

**William Paul Gallagher**  
**Post 96**

**Constitution**  
**And**  
**By – Laws**

**CONSTITUTION OF  
WILLIAM PAUL GLLAGHER  
POST # 96  
DEPARTMENT OF OHIO  
THE AMERICAN LEGION**

**Preamble**

**For god and country, we associate ourselves together for the following  
Purpose: To uphold and defend the constitution of the United States of America;to  
maintainlaw and order; to foster and perpetuate a one hundred percent American-  
ism; to preserve the the memories and incidents of our associations in the great  
wars; to inculcate a sense of individual obligation to the community, state, and  
Nation; to combat the of both the classes and the masses; to make right the master  
of  
Might; to promote peace and good will on earth; to safeguard and transmit to  
Posterity the principles of justice, freedom, and democracy, to consecrate and  
Sanctify our comradeship by our devotion to mutual helpfulness.**

**Article 1 – Name**

**Section 1.** The name of this organization shall be William Paul Gallagher Post  
# 96 of The American Legion, Department Of Ohio.

**Article II – Objects**

**Section 1.** The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the national and Department Constitutions of The American Legion.

### **Article III – Nature**

**Section 1.** This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

**Section 2.** This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

### **Article IV – Membership**

**Section 1.** Eligibility to membership in this post shall be as prescribed by the National Constitution of The American Legion.

**Section 2.** Application for membership shall be made using form provided by Post under such regulations as may from time to time be prescribed by the Post Executive committee.

**Section 3.** All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members cast their vote against acceptance of said application, then such application shall be recorded as rejected.

**Section 4.** Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same.

**Section 5.** A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present in a Post meeting, and the payment of current dues for the year in which re-Instatement occurs.

**Section 6.** No person expelled by an other Post shall be admitted to membership to this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the State Executive Committee of the expelling Post for permission to apply for membership in this post, and shall be ineligible for membership until such permission is granted before proceeding under this section, Posts should make inquire as to whether or not the Department Constitution and by-laws has provided a different procedure which should be followed.

**Section 7.** The annual membership dues will be paid after June 1 and before February 1 of each year. If dues are not paid by January 1 of each calendar year, the member becomes delinquent. If dues are not paid by February the member is suspended, but nevertheless a member with no privilege except that of reinstatement by vote of the Post and payment of dues; and dues not being paid, such membership continues for a period of five months, to June 30, at which time the member is dropped from the roll by constitutional mandate and the membership is forfeited. Key cards will issued with payment of dues with a one-time fee of ten (\$10.00) dollars. If dues are not paid on or before 1 February key card will be de-activated. A fee of five (\$5.00) dollars will be assessed to re-activate key card. If suspended from canteen for infraction of canteen rules key card will be de-activated. When and if re-instated to canteen a five (\$5.00) dollar fee will charged to re-instate key card. All members must have a valid membership card with them to enter canteen.

## **ARTICLE V – OFFICERS**

**Section 1.** The organization of this Post shall be comprised of the following officers:

**Post Commander**

**First Vice Commander  
Second Vice Commander  
Publicity Officer  
Historian  
Sergeant of Arms  
Adjutant  
Finance Officer  
Chaplain  
Service Officer  
Child Welfare Officer  
Audit Chairman**

**The administrative affairs of Post 96 of the American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of the Executive Committee which shall consist of 5 members at large in addition to the Post Commander, First Vice Commander, Second Vice Commander, and the past Post Commander. The 5 members at large will be elected to a term of two years on a staggering term (Except the first year when a total of five members of the Executive Board are elected.) The top three vote getters will be elected for a two- year term and the two lowest vote getters for a one-year term. The Post Commander shall be the Chairman of the Executive Committee. This Post, by the By-Laws, may provide for such other standing committees as the business of the organization may require.**

## **Section 2 .**

**The officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, a Post Service Officer, and a Sergeant – at – Arms, and such other officers as deemed necessary by this organization, from the floor at the meeting preceding the annual election.**

**Section 3.** All officers and executive committee persons shall be elected annually, and they shall hold office until their successors are duly installed or as other wise provided. The Executive committee may remove any officer or committeeman for inefficiency; a two-thirds vote of said committee being necessary to effect such removal.

**Section 4 .** Every member of this Post in good standing shall be eligible to hold office in this Post. With the recommendation that the Post Commander come up through the chairs.

**Section 5 .** The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

**Section 6 .** The Post Commander on completion of their term of office shall automatically become a member of the Executive committee for a term of one year .

**Section 7 .** The Adjutant and the Finance Officer will be hired from year to year at an agreed stipulation by the executive committee and shall serve until a successor is appointed. The Adjutant and Finance Officer may be combined.

**Section 8 .** The resignation of a Post Officer or member of the Executive Committee shall happen in one of two ways 1. Written notice to the Post Commander, 2. Verbal resignation to the members at a regular meeting.

**Section 9 .** All vacancies of elected officers or positions shall be filled by appointment of the Commander with the approval of a quorum of members assembled at a regular meeting. Appointee shall serve the full remaining term. If a vacancy exists in the office of the Post Commander due to illness, resignation, or death, The First Vice Commander shall become the Post Commander and the Second Vice Commander shall become the First Vice Commander. The Post Commander shall then appoint a successor to the Second Vice Commander until the next annual election, subject to the approval by the Executive Committee and the membership at the next regular meeting.

## **Article VI – Finance**

**Section 1.** The revenue from this post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

**Section 2.** The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

**Section 3.** The Post shall pay to the Departmental headquarters the National and Departmental annual membership dues for every member of the Post.

## **Article VIII - American Legion Auxiliary**

**Section 1.** This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of William Pail Gallagher Post 96 the American Legion.

**Section 2.** Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion Auxiliary.

## **Article IX - Amendments**

**Section 1.** This Constitution is adopted subject to the provisions of the national Constitution of The American Legion and of the Department Constitution of the Department of Ohio, The American Legion. Any amendment to said National Constitution or Department Constitution, which is in conflict with any provisions hereof, should be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

**Section 2 .**This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding meeting of said Post, and providing, further, written notice shall been given to all members at least 14 days in advance of the date of such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

**By – Laws**

# **William Paul Gallagher**

## **Department of Ohio**

### **The American Legion**

#### **Article 1**

**Section 1.** The Post existing under these By – Laws is to be known as William Paul Gallagher Post 96, The American Legion, Department of Ohio.

**Section 2 .** The objects of this Post are as set forth in the Constitution.

#### **Article II Management**

**Section 1.** The government and management of the Post is entrusted to an Executive Committee of 9 members, to be known as the “Executive Committee”.

**Section 2.** The Executive Committee shall consist of 5 elected members elected for 2 years on a staggered term in addition to the Post Commander, 1<sup>st</sup> Vice Commander, 2<sup>ed</sup> Vice Commander, who will be elected annually on the 4<sup>th</sup> Thursday of April and take office at the meeting next following that of the election, the past Post Commander shall serve for one year following their term in office on the Post Executive Committee. All elections of Officers and Executive Committee Persons shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. No member or candidate can run or be elected to more than one position at a time.

**Section 3.** All vacancies existing in the Executive Committee, or in any office of the Post for any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee

of office who seceded. A vacancy shall exist when a member or officer is absent from the Post meetings for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

## **Article III**

### **Post Executive Committee**

**Section 1.** The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of the new officers. There after the Post Executive Committee shall meet at the call of the Commander every 2ed and 4<sup>th</sup> Thursday of the month at 7 PM or as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the written request of three or more members of said Post Executive Committee, 6 members of the committee shall constitute a quorum thereof. The Executive Committee shall upon installation, appoint from among themselves three (3) members to be the Canteen Committee. The Canteen Committee shall revise the Canteen rules if needed and present them to the Executive Committee for approval. The Canteen Committee shall supervise the operation of the Canteen and report to the Executive Committee.

The Executive Committee shall pay The Lima American Legion Building Corporation two hundred (\$200.00) dollars per month. The Executive Committee shall receive all proceeds from hall rentals, which will be used to pay for the expenses of the Post Utilities, building mortgage, insurance, and taxes, ect. Hall rental will never interfere with Post business.

**Section 2.** The Post Executive Committee shall hire such employees as may be necessary, shall authorize and approve all expenditures; shall require adequate bonds for all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

## **Article IV**

### **Duties of officers**

**Section 1. Duties of Post Commander.** It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall and such officer shall be the chief executive officer of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which will be read at the annual meeting and a copy therefor immediately, forwarded to the Department adjutant. The Commander shall perform such other duties as directed by the Post.

**Section 2. Duties of the First Vice Commander / Second Vice Commander.** The First Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of, or when called upon by the Post Commander, and will also be Chairman of the membership committee whom they shall appoint and name at the next regular meeting.

The Second Vice Commander shall preside in the absence of the Post Commander and the First Vice Commanders or upon either's request. The second Vice Commander is also the chairman of the Post activities committee whom they will appoint and name at the next regular meeting.

**Section 3. Duties of the Post adjutant.** The adjutant shall have charge of and keep a full and correct record of all proceedings of all meeting, keep such records as the Department and National Organization may require, render of memberships annually or when called upon at a meeting, and under direction of the Commander handle all correspondence of the Post. They shall be bonded for not less than one thousand dollars 1,000.00, and such additional sum required by the Executive Board. The Post shall pay the premium of such bond.

**Section 4. Duties of the finance officer.** The finance officer of the Post shall act in full capacity as treasurer and have charge of all finances and see that they are safely deposited in a designated local bank or banks and shall report once a month at the first regular meeting following the tenth of the month to the Executive Committee and the membership the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall sign all checks disbursing Monies of the Post, and shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee. The finance officer shall be bonded for not less than five thousand dollars 5,000.00 and such additional amount as may be required by the Executive Committee. The Post will pay the premium for such bond.

**Section 5. Duties of the Post historian.** The Post historian shall be charged with the individual records and incidents of the Post and Post members, and shall

perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

**Section 6. Duties of the Post chaplain.** The Post chaplain shall be charged with the spiritual welfare of the Post comrades And will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or Department headquarters from time to time.

**Section 7. Duties of the sergeant of arms.** The sergeant of arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Committee.

## Article V

### Delegates

**Section 1.** Delegates to District and Department Conventions are to be as follows: The immediate Past Post Commander, Present Post Commander, Present First Vice Commander, and the Present Second Vice Commander shall be automatic delegates. All other delegates and alternates shall be elected by ballot at the annual election of Post Officers. Delegates and Alternatives to the Allen County Council, and the Lima Veterans Council shall appoint by the Post Commander. All Delegates will vote as the Post membership so instructs on the first ballot, if such instructions are given by majority vote of the members present at a Post meeting, subject in question is to be voted on. Post and district sponsored delegates shall attend at least three (3) meetings a year and volunteer six (6) hours of service per year to receive Post paid expenses to conventions.

## Article VI

### Appointments

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonies, Children and youth, Economic, Finance, Foreign Relations, Graves Registration

and Memorial, House and entertainment, Legislative, Membership, Public Relations, Veterans affairs and rehabilitation, National security, Sons of the American Legion and Visiting or VAVS ,and the Audit Committee. Such standing committees shall consist of such members and the chair thereof, as shall be designated by the Post Commander.

**Section 2. Americanism Committee .** The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propoganda by education of the general public in American ideas through public forums, ect, and activities for community and civic betterment.

**Section 3. Ceremonials Committee.** The principal duties of the Ceremonials Committee are to insure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies – burial detail and the wearing of Legion regalia.

**Section 4. Children and Youth Committee.** Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating service and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion’s pledge that “no child of a war veteran shall be in need of the necessities of life” and “ a square deal for every child”.

**Section 5. Economic Committee.** The Post Economic Committee is primarily concerned with local employment programs, Veterans preference, government employment and re-employment rights.

**Section 6. Finance Committee.** The Finance Committee shall be charged with the administration of the finance policy, preparations of budget recommendations and supervision of receiving, disbursing, and accounting of all Post funds.

**Section 7. Foreign Relations.** This committee has become active, as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any treaty or law.

**Section 8. Graves Registration and Memorial Committee.** The duties of this committee involve recording of gravesites and complete information on veteran’s burial in cemeteries assigned to the Post. Special assistance can be given

the service officer in providing flags, headstones or proper internment in national cemeteries.

**Section 9. House entertainment Committee.** The house and entertainment quarters promotion of club advantages and arrangement for social activities.

**Section 10. Legislative Committee.** The Legislative Committee needs to have knowledge of what is going on in Congress – what we favor or oppose, and should be ready to initiate action in support of our position when requested by the national or Department organization.

**Section 11. Membership Committee.** The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including procuring new members, reinstatements and eligibility of members.

**Section 12. Public Relations Committee.** The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, Department and national Legion news service and by local publicity of Post programs and activities.

**Section 13. Veterans Affairs and Rehabilitation Committee.** The Veterans Affairs and Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or State government, employment, relief, ect.

**Section 14. Security Committee.** The Security Committee shall work with and coordinate Legion efforts with local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

**Section 15. Sons of the American Legion Committee.** This committee shall have supervision over the operations of the Post's squadron of the Sons of the American Legion.

**Section 16. Visiting or VAVS Committee.** This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

**Section 17. The Nomination Committee.** The nomination committee will be appointed by the present Post Commander and it shall consist of not more than

five (5) members in good standing, whose duty it shall be to place in nomination the names of the candidates for each elective office to be filled. Said names to be presented to the membership by the nomination committee at the regular meeting two- (2) meeting before the annual election. Anyone seeking a office in the Post may let it be known up to and on the first meeting in April, at which time any nomination may be made from the floor before the closing of nominations.

**Section 18. Election committee.** The present Post Commander shall appoint at least 3members in good standing to be on the Election committee. The Election Committee shall hold the annual Post election on the second regular scheduled meeting in April from 12pm until 7pm. The election committee will be present during these hours to verify current membership status and to hand out ballots. The Election Committee will after the polls close will count the ballots with the Adjutant will witness the count. The results will be posted in the Post. The adjutant will hold the ballots for thirty (30) days after the elections after which they will be destroyed. If there is a challenge to the vote the Election Committee, The out going Commander and the Adjutant will be present for the re-count. If the out going Commander can not be present then a representative from will be appointed from the following. Sgt at Arms or the Chaplain.

**Section 19. Audit Committee.** The present Post Commander shall appoint a Audit chairman who will appoint a committee to audit the Post. The Audit committee shall audit all Moines and property of the Post annually prior to April 1<sup>st</sup> and report the findings to the Executive Committee.

## **Article VII Resolutions**

**Section 1.** All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on this subject and copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

## **Article VIII Meetings**

**Section 1.** The regular meetings of the Post shall be held at the clubrooms on the second and fourth Thursday of the month at 8pm. There will be only one meeting during the months of June, July, and August to be held on the fourth Thursday of the month at 8pm. The Commander will see that all meetings start on time, at which may be transacted such business as may properly be brought up for action.

**Section 2.** The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting at any time. All special meetings of the membership shall be given three or more days notice.

**Section 3.** Upon written request of at least 6 members the Commander will call a special meeting of the Post.

**Section 4.** Two thirds of the elected officers and four members for a total of ten shall constitute a quorum.

## **Article IX**

### **Notices**

**Section 1.** Every member shall furnish to the Post adjutant an address for mailing and a copy of their DD 214 or proof of eligibility.

**Section 2.** The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

## **Article X**

### **Rules of Order**

**Section 1.** All proceedings of this Post shall conducted under and pursuant to Roberts Rules of Order, except as here in other wise provided.

## **Article XI**

### **Limitations of Liabilities**

**Section 1.** The Post shall incur, or cause to be incurred, no liability no obligation whatever which shall subject any other Post, subdivision, members of the American Legion, or other individuals, corporations or organizations.

## **Article**

## **XII**

### **Amendments**

**Section 1.** These By – Laws may be amended at any regular Post meeting by a vote of two – thirds of the members attending such regular meeting; Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting; and provided further that written notice shall have been given to all members fourteen (14) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By – Laws is to be voted upon.

### **Simplified Eligibility Guide**

National policy requires that eligibility inquires be submitted through the Department.

There is only one class of membership ---- honorary memberships are not authorized. In all doubtful cases, consult your Judge Advocate.

### **Constitutional Eligibility Requirements**

**ALL WHO SERVED IN THE ARMY, NAVY, MARINE CORPS,  
COAST GUARD, OR AIR FORCE OF THE UNITED STATES ARE  
ALIGIBLE ONLY IF THEY HAVE THE FOLLOWING  
CONSTITUTIONAL QUALIFICATIONS:**

**Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and assigned to active duty at some time during any of following periods: April 6, 1917, to November 11, 1918, December 7, 1941, to December 31, 1946, June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the date of cessation of hostilities as determined by the government of the United States; all dates inclusive. . . provided , however , that such service shall have been terminated by honorable discharge or honorable separation , or continued honorable after any of said periods provided , further , that no person shall be entitled to membership who , being in such service during any of said periods, refused on conscientious , or political or other grounds to subject themselves to military discipline or unqualified service.**

**(The language “ or continued honorably after any of said periods “ has reference to those remaining in service after the date terminal at which time may be established by all veterans having honorable active service during such periods, regardless of whether they have been discharged or stay in the service.)**

## **Length of service not a requirement**

**There is no requirement as to the length of service. National Judge Advocate B. G. Davis, in a letter dated October 36, 1966, wrote;**

**“ ... There is no limitation placed on the length of the individual’s service. If the individual served one day on active duty as a member of the Armed Forces on or after August 5, 1964, (now February 28 1961), and has received an Honorable Discharge or separation; or served on active duty as a member of the Armed Forces during any of the delimiting periods set forth in Article IV, Section I of the National Constitution, and is still on active duty, he is eligible for membership in The American Legion.”**

## **National Guard & Reserve Eligibility**

**The National Guard and Reserves are required to meet the same eligibility requirements as the full time federal active veterans. To be eligible the National Guardsperson / Reservist must have served at least one day on federal active duty during any of the delimiting periods set forth in Article IV, Section 1 of the National**

**Constitution, and either have a honorable discharge or DD 214 or currently be serving either in the Guard / Reserve or on federal active duty**

## **Eligibility Matters Not Covered**

**The Post Commander should refer questions of eligibility not covered in the foregoing to the Department Adjutant or the Department Judge Advocate. Should the Department Adjutant or the Department Judge Advocate be in doubt, an opinion and ruling may be requested from the National Judge Advocate.**

**This Constitution and By-Laws have been revised by** Mike Brennan - Chairman  
Ron Lahmon - Member  
Rick Conaway - Member







